IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5037 of 2001
with
SPECIAL CIVIL APPLICATION NO. 4443 OF 2002

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

AHMEDABAD DIST COOP MILK PRODUCERS UNION LTD

Versus

DARSHRATHBHAI MAHADEVBHAI PATEL

Appearance:
Mr. Sunit S. Shah for Ahmedabad District Coop.Milk Producers' Union Ltd.
MR TR MISHRA for workman.

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 19/02/2002

ORAL JUDGEMENT

Rule. Service of rule is waived by learned advocate Mr. Shah for the respondent Ahmedabad District Coop. Milk Producers' Union Ltd. in Special Civil Application No. 4443 of 2001 and by Mr. T.R.

Mishra,learned advocate for the respondent workman in Special Civil Application No. 5037 of 2001. The matters have been taken up for final hearing with the consent of the learned advocates for the respective parties.

Heard learned advocate Mr. S.S. Shah for the employer Ahmedabad District Coop. Milk Producers' Union Ltd. and Mr.T.R. Mishra learned advocate for the workman concerned. In these two petitions, common award made by the labour court, Ahmedabad in Reference No. 1757 of 1990 dated 11th September, 2000 has been challenged. Under the said award, the labour court has granted reinstatement with continuity of service, with 50 per cent of the back wages for the intervening period. Therefore, the employer has challenged the award in question in so far as it relates to reinstatement of the workman concerned with 50 per cent of the back wages and the workman has challenged the award in question in so far as it relates to denial of remaining 50 per cent of the back wages.

Learned advocate Mr. T.R. Mishra appearing for the workman has submitted that the workman concerned namely Dashrathbhai Mahadevbhai Patel is now not claiming any right about reinstatement and back wages as awarded by the labour court by award dated 11th September, 2000 in Reference No. 1757 of 1990. He has also made a statement before this Court that the respondent workman is working in another dairy and, therefore, he is not interested and, therefore, the workman concerned has relinquished his rights arising out of the award made by the labour court concerned.

Therefore, in view of this statement made by Mr.T.R. Mishra, learned advocate appearing for the workman concerned, the award made by the labour court, Ahmedabad in Reference No. 1757 of 1990 dated 11th September, 2000 is hereby quashed and set aside.

Accordingly, Rule is made absolute in Special Civil Application No. 5037 of 2001 and Rule is discharged in Special Civil Application No. 4443 of 2001. There shall be no order as to costs.

19.2.2002. (H.K. Rathod,J.)